

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**UNITED STATES and the STATE OF  
NORTH CAROLINA, *ex rel.* KARYN  
KIMBRELL,**

**Plaintiffs,**

**v.**

**RAFAEL RIVERA, JR., DDS, PLLC, d/b/a  
SMILE STARTERS, and RAFAEL RIVERA,  
JR.,**

**Defendants.**

**NO. 3:14-CV-692-RJC-DSC**

**ORDER**

The United States and the State of North Carolina, having declined to intervene in this action pursuant to the United States False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and the North Carolina False Claims Act, N.C.G.S. §1-608(b)(4), and the Relator having filed a Notice of Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(1)(A)(i), and the United States and the State of North Carolina having consented to such, the Court rules as follows:

**IT IS ORDERED** that,

1. All claims in this action are hereby dismissed without prejudice to Relator Karyn Kimbrell, the United States and the State of North Carolina;
2. The Complaint, this Order, the Government's Notice of Election to Decline Intervention and the Relator's Voluntary Dismissal be unsealed and served upon the Defendant by the Relator;

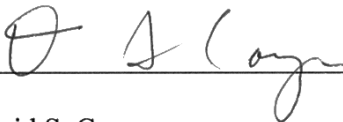
3. All other contents of the Court's file in this action remain under seal and not be made public or served upon the Defendant;

4. The seal be lifted as to all other matters occurring in this action after the date of this Order, and

5. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Robert J. Conrad, Jr.

**SO ORDERED.**

Signed: August 29, 2016

  
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David S. Cayer  
United States Magistrate Judge

